



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Patent Cooperation Treaty Legal Office

Address: Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

05 JUN 1997

Martha A. Gammill, Attorney  
Intellectual Property Legal Services  
Pharmacia & Upjohn Company  
Kalamazoo, MI 49001

In re Application of  
ROMINES et al  
Application No.: 08/809,224  
PCT No.: PCT/US95/05219  
Int. Filing Date: 04 May 1995  
Priority Date: 04 May 1994  
Attorney Docket No.: 4798.P CP  
For: COMPOUNDS USEFUL TO TREAT  
RETROVIRAL INFECTIONS

DECISION

This is a decision on applicants' "COMMUNICATION" filed in the Patent and Trademark Office (PTO) on 25 March 1997, which has been treated as a request for acceptance of the national stage application papers as having been previously submitted on 04 November 1996. The request was accompanied by, inter alia, a copy of a transmittal letter (Form PL-1390), a copy of a declaration of the inventors, a copy of the International Preliminary Examination Report (IPER), a copy of a postcard receipt for the present application, and a copy of an "Express Mail" label. The request is **GRANTED** as discussed below.

A review of the application file reveals that applicants have provided sufficient evidence to establish that applicants filed national stage application papers on 04 November 1996. The proof is in the form of the copy of the postcard receipt for the present application which bears a PTO datestamp of "04 NOV 1996" and which itemizes an "OATH OR DECLARATION", an "IPER", and a "National Stage via Form 1390."

Therefore, in view of the postcard receipt and in view of counsel's statements in the present request indicating that the present transmittal letter, declaration, and IPER are copies of the application papers originally filed on 04 November 1996, the national stage application papers may properly be accepted as having been timely filed.

Further, a review of the transmittal letter reveals that it included an authorization to charge the basic national fee to counsel's deposit account, and a review of the declaration reveals that it is in compliance with 37 CFR 1.63. As such the application now satisfies the requirements for entry into the national stage in the U.S under 35 U.S.C. 371.

The application has an international filing date of **04 May 1995**, under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371(c) date of **04 November 1996**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing, including the charging of the national stage entry fees to counsel's deposit account as authorized in the transmittal letter and for preparation and mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) in accordance with this decision.

This application will then be forwarded to Application Processing Division for processing including the preparation and mailing of a filing receipt.



Richard R. Cole  
Legal Examiner  
PCT Legal Office

(703)305-6639  
RRC:rrc